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CS/CS/HB 551

2018 Legislature

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 2 An act relating to public records; amending s.  
 3 119.071, F.S.; providing an exemption from public  
 4 records requirements for building plans, blueprints,  
 5 schematic drawings, diagrams, and other construction  
 6 documents received and held by certain agencies which  
 7 depict the internal layout or structural elements of  
 8 certain health care facilities; providing for future  
 9 legislative review and repeal of the exemption;  
 10 providing a statement of public necessity; providing  
 11 an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15 Section 1. Paragraph (c) of subsection (3) of section  
 16 119.071, Florida Statutes, is amended to read:

17 119.071 General exemptions from inspection or copying of  
 18 public records.—

19 (3) SECURITY.—

20 (c)1. Building plans, blueprints, schematic drawings, and  
 21 diagrams, including draft, preliminary, and final formats, which  
 22 depict the internal layout or structural elements of an  
 23 attractions and recreation facility, entertainment or resort  
 24 complex, industrial complex, retail and service development,  
 25 office development, health care facility, or hotel or motel

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26 | development, which records are held by an agency are exempt from  
27 | s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

28 |         2. This exemption applies to any such records held by an  
29 | agency before, on, or after the effective date of this act.

30 |         3. Information made exempt by this paragraph may be  
31 | disclosed to another governmental entity if disclosure is  
32 | necessary for the receiving entity to perform its duties and  
33 | responsibilities; to the owner or owners of the structure in  
34 | question or the owner's legal representative; or upon a showing  
35 | of good cause before a court of competent jurisdiction.

36 |         4. This paragraph does not apply to comprehensive plans or  
37 | site plans, or amendments thereto, which are submitted for  
38 | approval or which have been approved under local land  
39 | development regulations, local zoning regulations, or  
40 | development-of-regional-impact review.

41 |         5. As used in this paragraph, the term:

42 |         a. "Attractions and recreation facility" means any sports,  
43 | entertainment, amusement, or recreation facility, including, but  
44 | not limited to, a sports arena, stadium, racetrack, tourist  
45 | attraction, amusement park, or pari-mutuel facility that:

46 |             (I) For single-performance facilities:

47 |                 (A) Provides single-performance facilities; or

48 |                 (B) Provides more than 10,000 permanent seats for  
49 | spectators.

50 |             (II) For serial-performance facilities:

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51 (A) Provides parking spaces for more than 1,000 motor  
52 vehicles; or

53 (B) Provides more than 4,000 permanent seats for  
54 spectators.

55 b. "Entertainment or resort complex" means a theme park  
56 comprised of at least 25 acres of land with permanent  
57 exhibitions and a variety of recreational activities, which has  
58 at least 1 million visitors annually who pay admission fees  
59 thereto, together with any lodging, dining, and recreational  
60 facilities located adjacent to, contiguous to, or in close  
61 proximity to the theme park, as long as the owners or operators  
62 of the theme park, or a parent or related company or subsidiary  
63 thereof, has an equity interest in the lodging, dining, or  
64 recreational facilities or is in privity therewith. Close  
65 proximity includes an area within a 5-mile radius of the theme  
66 park complex.

67 c. "Industrial complex" means any industrial,  
68 manufacturing, processing, distribution, warehousing, or  
69 wholesale facility or plant, as well as accessory uses and  
70 structures, under common ownership that:

71 (I) Provides onsite parking for more than 250 motor  
72 vehicles;

73 (II) Encompasses 500,000 square feet or more of gross  
74 floor area; or

75 (III) Occupies a site of 100 acres or more, but excluding

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76 wholesale facilities or plants that primarily serve or deal  
 77 onsite with the general public.

78 d. "Retail and service development" means any retail,  
 79 service, or wholesale business establishment or group of  
 80 establishments which deals primarily with the general public  
 81 onsite and is operated under one common property ownership,  
 82 development plan, or management that:

83 (I) Encompasses more than 400,000 square feet of gross  
 84 floor area; or

85 (II) Provides parking spaces for more than 2,500 motor  
 86 vehicles.

87 e. "Office development" means any office building or park  
 88 operated under common ownership, development plan, or management  
 89 that encompasses 300,000 or more square feet of gross floor  
 90 area.

91 f. "Health care facility" means a hospital, ambulatory  
 92 surgical center, nursing home, hospice, or intermediate care  
 93 facility for the developmentally disabled.

94 ~~g.~~ "Hotel or motel development" means any hotel or motel  
 95 development that accommodates 350 or more units.

96 6. This paragraph is subject to the Open Government Sunset  
 97 Review Act in accordance with s. 119.15 and shall stand repealed  
 98 on October 2, 2023, unless reviewed and saved from repeal  
 99 through reenactment by the Legislature.

100 Section 2. The Legislature finds that it is a public

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101 necessity that the building plans, blueprints, schematic  
102 drawings, diagrams, including draft, preliminary, and final  
103 formats, and other construction documents of a health care  
104 facility should be made exempt from s. 119.07(1), Florida  
105 Statutes, and s. 24(a), Article I of the State Constitution to  
106 ensure the safety of the health care facility's staff, patients,  
107 and visitors. Building plans, blueprints, schematic drawings,  
108 diagrams, including draft, preliminary, and final formats, and  
109 other construction documents received and held by the Agency for  
110 Health Care Administration and other governmental agencies which  
111 depict the internal layout or structural elements of hospitals,  
112 ambulatory surgical centers, nursing homes, hospices, and  
113 intermediate care facilities for the developmentally disabled  
114 are currently subject to release as public records and subject  
115 to release upon request. The Agency for Health Care  
116 Administration reviews the building plans for proposed health  
117 care facility construction to ensure compliance with building  
118 codes and agency rules and standards in order to protect the  
119 public health and safety. These building plans include diagrams  
120 and schematic drawings of building floor plans, communication  
121 systems, medical gas systems, electrical systems, and other  
122 physical plant and security details which depict the internal  
123 layout and structural elements of health care facilities. Recent  
124 security threats have been shared by state and federal security  
125 and emergency preparedness officials that describe the targeting

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126 | of health care facilities by terrorists. Because architectural  
127 | and engineering plans reviewed and held by government agencies  
128 | include information regarding emergency egress, locking  
129 | arrangements, critical life safety systems, and restricted  
130 | areas, these plans could be used by criminals or terrorists to  
131 | examine the physical plant for vulnerabilities. Information  
132 | contained in these documents could aid in the planning,  
133 | training, and execution of criminal actions including infant  
134 | abduction, cyber-crime, arson, and terrorism. Consequently, the  
135 | Legislature finds that the public records exemption created by  
136 | this act is a public necessity to reduce exposure to security  
137 | threats and protect the public.

138 |       Section 3. This act shall take effect upon becoming a law.